

REFERENCE TITLE: initiative; review; single subject

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2026

Introduced by
Representative Adams

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXI, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INITIATIVE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is
4 proposed to be amended as follows if approved by the voters and on
5 proclamation of the Governor:

6 1. Legislative authority; initiative and referendum

7 Section 1. (1) Senate; house of representatives;
8 reservation of power to people. The legislative authority of
9 the state shall be vested in the legislature, consisting of a
10 senate and a house of representatives, but the people reserve
11 the power to propose laws and amendments to the constitution and
12 to enact or reject such laws and amendments at the polls,
13 independently of the legislature; and they also reserve, for use
14 at their own option, the power to approve or reject at the polls
15 any act, or item, section, or part of any act, of the
16 legislature.

17 (2) Initiative power. The first of these reserved powers
18 is the initiative. Under this power ten per ~~centum~~ CENT of the
19 qualified electors shall have the right to propose any measure,
20 and fifteen per ~~centum~~ CENT shall have the right to propose any
21 amendment to the constitution.

22 (3) Referendum power; emergency measures; effective date
23 of acts. The second of these reserved powers is the referendum.
24 Under this power the legislature, or five per ~~centum~~ CENT of the
25 qualified electors, may order the submission to the people at
26 the polls of any measure, or item, section, or part of any
27 measure, enacted by the legislature, except laws immediately
28 necessary for the preservation of the public peace, health, or
29 safety, or for the support and maintenance of the departments of
30 the state government and state institutions; but to allow
31 opportunity for referendum petitions, no act passed by the
32 legislature shall be operative for ninety days after the close
33 of the session of the legislature enacting such measure, except
34 such as require earlier operation to preserve the public peace,
35 health, or safety, or to provide appropriations for the support
36 and maintenance of the departments of the state and of state
37 institutions; provided, that no such emergency measure shall be
38 considered passed by the legislature unless it ~~shall state~~
39 STATES in a separate section why it is necessary that it ~~shall~~
40 become immediately operative, and shall be approved by the
41 affirmative votes of two-thirds of the members elected to each
42 house of the legislature, taken by roll call of ayes and nays,
43 and also approved by the governor; and should ~~such~~ THE measure
44 be vetoed by the governor, it shall not become a law unless it
45 ~~shall be~~ IS approved by the votes of three-fourths of the

1 members elected to each house of the legislature, taken by roll
2 call of ayes and nays.

3 (4) Initiative ~~and referendum~~ petitions; filing. All
4 petitions submitted under the power of the initiative shall be
5 known as initiative petitions, and shall be filed with the
6 secretary of state not less than ~~four~~ SEVEN months preceding the
7 date of the election at which the measures so proposed are to be
8 voted upon. BEFORE CIRCULATING AN INITIATIVE PETITION FOR
9 SIGNATURES, THE PERSON FILING THE PETITION SHALL SUBMIT THE TEXT
10 OF THE PROPOSED INITIATIVE TO THE ARIZONA LEGISLATIVE COUNCIL
11 FOR REVIEW. THE ARIZONA LEGISLATIVE COUNCIL SHALL ESTABLISH THE
12 OFFICIAL TITLE FOR THE INITIATIVE AND SHALL REVIEW THE TEXT AND
13 MAY MAKE RECOMMENDATIONS REGARDING POSSIBLE ERRORS,
14 INCONSISTENCIES OR OTHER ISSUES ARISING FROM THE PROPOSED
15 PETITION. THE ARIZONA LEGISLATIVE COUNCIL SHALL HOLD A PUBLIC
16 HEARING TO RECEIVE AND CONSIDER INFORMATION ON THE PROPOSED
17 PETITION. EXCEPT FOR THE OFFICIAL TITLE OF THE INITIATIVE AS
18 ESTABLISHED BY THE LEGISLATIVE COUNCIL, ANY RECOMMENDATIONS FROM
19 THE LEGISLATIVE COUNCIL ARE NOT BINDING ON THE PERSON FILING THE
20 PETITION WHO MAY ACCEPT, MODIFY OR REJECT THOSE RECOMMENDATIONS.

21 (5) REFERENDUM PETITIONS; FILING. All petitions submitted
22 under the power of the referendum shall be known as referendum
23 petitions, and shall be filed with the secretary of state not
24 more than ninety days after the final adjournment of the session
25 of the legislature ~~which shall have~~ THAT passed the measure to
26 which the referendum is applied. The filing of a referendum
27 petition against any item, section, or part of any measure shall
28 not prevent the remainder of ~~such~~ THE measure from becoming
29 operative.

30 ~~(5)~~ (6) Effective date of initiative and referendum
31 measures. Any measure or amendment to the constitution proposed
32 under the initiative, and any measure to which the referendum is
33 applied, shall be referred to a vote of the qualified electors,
34 and shall become law when approved by a majority of the votes
35 cast thereon and ~~upon~~ ON proclamation of the governor, and not
36 otherwise.

37 ~~(6)~~ (7) (A) Veto of initiative or referendum. The veto
38 power of the governor shall not extend to an initiative measure
39 approved by a majority of the votes cast thereon or to a
40 referendum measure decided by a majority of the votes cast
41 thereon.

42 ~~(6)~~ (7) (B) Legislature's power to repeal initiative or
43 referendum. The legislature shall not have the power to repeal
44 an initiative measure approved by a majority of the votes cast

1 thereon or to repeal a referendum measure decided by a majority
2 of the votes cast thereon.

3 ~~(6)~~ (7) (C) Legislature's power to amend initiative or
4 referendum. The legislature shall not have the power to amend
5 an initiative measure approved by a majority of the votes cast
6 thereon, or to amend a referendum measure decided by a majority
7 of the votes cast thereon, unless the amending legislation
8 furthers the purposes of ~~such~~ THE measure and at least
9 three-fourths of the members of each house of the legislature,
10 by a roll call of ayes and nays, vote to amend ~~such~~ THE measure.

11 ~~(6)~~ (7) (D) Legislature's power to appropriate or
12 divert funds created by initiative or referendum. The
13 legislature shall not have the power to appropriate or divert
14 funds created or allocated to a specific purpose by an
15 initiative measure approved by a majority of the votes cast
16 thereon, or by a referendum measure decided by a majority of the
17 votes cast thereon, unless the appropriation or diversion of
18 funds furthers the purposes of ~~such~~ THE measure and at least
19 three-fourths of the members of each house of the legislature,
20 by a roll call of ayes and nays, vote to appropriate or divert
21 ~~such~~ THE funds.

22 ~~(7)~~ (8) Number of qualified electors. The whole number
23 of votes cast for all candidates for governor at the general
24 election last preceding the filing of any initiative or
25 referendum petition on a state or county measure shall be the
26 basis on which the number of qualified electors required to sign
27 ~~such~~ THE petition ~~shall be~~ IS computed.

28 ~~(8)~~ (9) Local, city, town or county matters. The powers
29 of the initiative and the referendum are hereby further reserved
30 to the qualified electors of every incorporated city, town, and
31 county as to all local, city, town, or county matters on which
32 ~~such~~ THE incorporated cities, towns, and counties are or shall
33 be empowered by general laws to legislate. ~~Such~~ THE
34 incorporated cities, towns, and counties may prescribe the
35 manner of exercising ~~said~~ THESE powers within the restrictions
36 of general laws. Under the power of the initiative fifteen per
37 ~~centum~~ CENT of the qualified electors may propose measures on
38 ~~such~~ local, city, town, or county matters, and ten per ~~centum~~
39 CENT of the electors may propose the referendum on legislation
40 enacted within and by ~~such~~ THE city, town, or county. Until
41 provided by general law, ~~said~~ cities and towns may prescribe the
42 basis on which ~~said~~ THE percentages shall be computed.

43 ~~(9)~~ (10) Form and contents of initiative and of
44 referendum petitions; verification. Every initiative or
45 referendum petition shall be addressed to the secretary of state

1 in the case of petitions for or on state measures, and to the
2 clerk of the board of supervisors, city clerk, or corresponding
3 officer in the case of petitions for or on county, city, or town
4 measures; and shall contain the declaration of each petitioner,
5 for himself, that he is a qualified elector of the state (and in
6 the case of petitions for or on city, town, or county measures,
7 of the city, town, or county affected), his post office address,
8 the street and number, if any, of his residence, and the date on
9 which he signed such petition. Each sheet containing
10 petitioners' signatures shall be attached to a full and correct
11 copy of the title and text of the measure so proposed to be
12 initiated or referred to the people, and every sheet of every
13 such petition containing signatures shall be verified by the
14 affidavit of the person who circulated ~~said~~ THE sheet or
15 petition, setting forth that each of the names on ~~said~~ THE sheet
16 was signed in the presence of the affiant and that in the belief
17 of the affiant each signer was a qualified elector of the state,
18 or in the case of a city, town, or county measure, of the city,
19 town, or county affected by the measure so proposed to be
20 initiated or referred to the people.

21 ~~(10)~~ (11) Official ballot. When any initiative or
22 referendum petition or any measure referred to the people by the
23 legislature ~~shall be~~ IS filed, in accordance with this section,
24 with the secretary of state, he shall cause to be printed on the
25 official ballot at the next regular general election the title
26 and number of ~~said~~ THE measure, together with the words "yes"
27 and "no" in such A manner that the electors may express at the
28 polls their approval or disapproval of the measure.

29 ~~(11)~~ (12) Publication of measures. The text of all
30 measures to be submitted shall be published as proposed
31 amendments to the constitution are published, and in submitting
32 such measures and proposed amendments the secretary of state and
33 all other officers shall be guided by the general law until
34 legislation ~~shall be~~ IS especially provided therefor.

35 ~~(12)~~ (13) Conflicting measures or constitutional
36 amendments. If two or more conflicting measures or amendments to
37 the constitution ~~shall be~~ ARE approved by the people at the same
38 election, the measure or amendment receiving the greatest number
39 of affirmative votes shall prevail in all particulars as to
40 which there is conflict.

41 ~~(13)~~ (14) Canvass of votes; proclamation. It shall be
42 the duty of the secretary of state, in the presence of the
43 governor and the chief justice of the supreme court, to canvass
44 the votes for and against each such measure or proposed
45 amendment to the constitution within thirty days after the

1 election, and ~~upon~~ ON the completion of the canvass the governor
2 shall forthwith issue a proclamation, giving the whole number of
3 votes cast for and against each measure or proposed amendment,
4 and declaring such measures or amendments as are approved by a
5 majority of those voting thereon to be law.

6 ~~(14)~~ (15) Reservation of legislative power. This section
7 shall not be construed to deprive the legislature of the right
8 to enact any measure except that the legislature shall not have
9 the power to adopt any measure that supersedes, in whole or in
10 part, any initiative measure approved by a majority of the votes
11 cast thereon or any referendum measure decided by a majority of
12 the votes cast thereon unless the superseding measure furthers
13 the purposes of the initiative or referendum measure and at
14 least three-fourths of the members of each house of the
15 legislature, by a roll call of ayes and nays, vote to supersede
16 ~~such~~ THE initiative or referendum measure.

17 ~~(15)~~ (16) Legislature's right to refer measure to the
18 people. Nothing in this section shall be construed to deprive or
19 limit the legislature of the right to order the submission to
20 the people at the polls of any measure, item, section, or part
21 of any measure.

22 ~~(16)~~ (17) Self-executing. This section of the constitution
23 shall be, in all respects, self-executing.

24 2. Article XXI, section 1, Constitution of Arizona, is proposed to be
25 amended as follows if approved by the voters and on proclamation of the
26 Governor:

27 1. Introduction in legislature; initiative petition;
28 election

29 Section 1. Any amendment or amendments to this
30 constitution may be proposed in either house of the legislature,
31 or by initiative petition signed by a number of qualified
32 electors equal to fifteen per ~~centum~~ CENT of the total number of
33 votes for all candidates for governor at the last preceding
34 general election. Any proposed amendment or amendments ~~which~~
35 ~~shall be~~ THAT ARE introduced in either house of the
36 legislature, ~~and which shall be~~ THAT ARE approved by a majority
37 of the members elected to each of the two houses, ~~shall be~~
38 entered on the journal of each house, together with the ayes and
39 nays thereon. When any proposed amendment or amendments ~~shall~~
40 ~~be thus~~ ARE passed by a majority of each house of the
41 legislature and entered on the respective journals thereof, or
42 when any elector or electors ~~shall file~~ FILE with the secretary
43 of state any proposed amendment or amendments together with a
44 petition therefor signed by a number of electors equal to
45 fifteen per ~~centum~~ CENT of the total number of votes for all

1 candidates for governor in the last preceding general election,
2 the secretary of state shall submit ~~such~~ THE proposed amendment
3 or amendments to the vote of the people at the next general
4 election (except when the legislature ~~shall call~~ CALLS a special
5 election for the purpose of having ~~said~~ THE proposed amendment
6 or amendments voted ~~upon~~ ON, in which case the secretary of
7 state shall submit ~~such~~ THE proposed amendment or amendments to
8 the qualified electors at ~~said~~ THE special election,) and if a
9 majority of the qualified electors voting ~~thereon shall~~ approve
10 and ratify ~~such~~ THE proposed amendment or amendments in ~~said~~ A
11 regular or special election, ~~such~~ THE amendment or amendments
12 shall become a part of this constitution. Until a method of
13 publicity is otherwise provided by law, the secretary of state
14 shall have ~~such~~ THE proposed amendment or amendments published
15 for a period of at least ninety days ~~previous to~~ BEFORE the date
16 of ~~said~~ THE election in at least one newspaper in every county
17 of the state in which a newspaper ~~shall be~~ IS published, in ~~such~~
18 A manner as may be prescribed by law. ~~If more than one proposed~~
19 ~~amendment shall be submitted at any election, such proposed~~
20 ~~amendments shall be submitted in such manner that the electors~~
21 ~~may vote for or against such proposed amendments separately.~~
22 EVERY AMENDMENT SHALL EMBRACE BUT ONE SUBJECT AND MATTERS
23 PROPERLY CONNECTED THEREWITH.
24 3. The Secretary of State shall submit this proposition to the voters
25 at the next general election as provided by article XXI, Constitution of
26 Arizona.